IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.763 OF 2004

IN

SUIT NO.2176 OF 1993

Hari Jaisinghani ...Plaintiff

Versus

The International Research Park
Laboratories Ltd. & Ors. ...Defendants

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Mr.Anil Agrawal with Mr.M.Motiwala for Applicants/ Defendants 10 to 12 & Defendant No.6.

Mr.Ajay Kumar i/b Nankani & Associates for Plaintiff.

Mr.V.M.Parkar for Defendants 1 to 3 & 13.

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CORAM: A.M.KHANWILKAR, J.

SEPTEMBER 6, 2005.

P.C.

1. Office remark indicates that affidavit of service is not filed. In response, Counsel for the Applicants/Defendant Nos.10 to 12 contends that the Chamber Summons is essentially directed against the Plaintiff and Plaintiff has been duly served and is

represented by Advocate. In view of the statement made by the Counsel for Applicants/Defendants 10 to 12, service to other parties is dispensed with.

2. As Plaintiff who is the only contesting party in the present application is represented by the Advocate, filing of affidavit of service is dispensed with. Application is heard forthwith by consent.

3. By this application, Defendants 10 to 12 pray that the Plaintiff be directed to delete the Applicants/Defendants 10 to 12 from the array of Defendants and strike of their names from the Plaint and proceedings pending in this Court. This relief is prayed on the assertion that the Applicants/Defendants 1p to 12 were nominee directors of the joint venture partnership firm of Defendant No.1 Company. Besides, no relief has been claimed against Defendants 10 to 12 as such. The argument canvassed on behalf of the Applicants is supported by the prayer clause in the Plaint. Counsel for the Plaintiff is, however, opposing this Application.

4. In my opinion, as no case is made out against the Applicants/Defendants 10 to 12 in the Plaint as filed and no relief is claimed against the said Defendants, continuation of Defendants 10 to 12 in the array of parties is wholly unnecessary.

5. Accordingly, Chamber Summons made absolute in terms of prayer clause (a). Plaintiff is directed to carry out necessary amendment within four weeks from today.

A.M.KHANWILKAR, J.